

Remarks

Reconsideration of this application as amended is respectfully requested.

Claims 1-7 stand rejected under 35 U.S.C. §101.

Claims 1-20 stand rejected under 35 U.S.C. §103(a) in view of U.S. Patent No. 6,151,589 of *Aggarwal et al.* ("*Aggarwal*") and U.S. Patent No. 6,728,689 of *Drissi et al.* ("*Drissi*").

The examiner has rejected claims 1-7 under 35 U.S.C. §101 as being directed to non-statutory subject matter. The examiner has stated that claims 1-7 do not present a claim having a technological basis. In response, applicant has amended claim 1 to recite a computer-based method for determining a demand estimate and correcting a bias "using a computer-based mechanism." It is submitted that a computer-based method for determining a demand estimate and correcting a bias using a computer based mechanism according to amended claims 1-7 provide a technological basis and are statutory under 35 U.S.C. §101.

Applicant submits that amended claim 1 is not obvious in view of *Aggarwal* and *Drissi* because *Aggarwal* and *Drissi* do not teach or suggest determining a demand estimate that provides an estimate of a likelihood that a consumer will purchase a product as claimed in amended claim 1. Instead, *Aggarwal* discloses repeated interval online auctions (*Aggarwal*, col. 4, lines 16-35) and *Drissi* discloses a data classification system that labels unknown objects (*Drissi*, col. 2, lines 66-67). Furthermore, *Aggarwal* and *Drissi* do not teach or suggest removing from a set of auction data all but a highest bid from each unique bidder in the auction data or correcting a bias in the auction data caused by a set of characteristics of an auction from which the auction data is obtained as claimed in amended claim 1.

The examiner has stated that

*Aggarwal et al* discloses gathering and removing

auction data for a product where the gathering includes searching an auction web site (430). (page 3, Office Action, 7-26-05). Applicant respectfully submits that the element 430 of *Aggarwal* referred to by the examiner does not include gathering auction data or removing auction data. Instead, element 430 in Figure 4 of *Aggarwal* refers to calculating an expiration time for bidders in an online auction. (*Aggarwal*, col. 5, lines 46-52).

The examiner has stated that

The term "demand", recited in applicant's claims, is considered sufficiently broad to encompass auction time interval. (page 3, Office Action, 7-26-05). Applicant respectfully submits that a demand estimate as recited in amended claim 1 is "an estimate of a likelihood that a consumer will purchase the product" and not a time interval for conducting an auction as taught by *Aggarwal*.

Given that claims 2-7 depend from amended claim 1, it is submitted that claims 2-7 are not obvious in view of *Aggarwal* and *Drissi*.

Applicant also submits that amended claim 8 is not obvious in view of *Aggarwal* and *Drissi* because amended claim 8 includes limitations similar to the limitations of amended claim 1 including removing from a set of auction data all but a highest bid from each unique bidder in the auction data and correcting a bias in the auction data caused by a set of characteristics of an auction from which the auction data is obtained. Therefore, the remarks stated above with respect to amended claim 1 also apply to amended claim 8.

Given that claims 9-14 depend from amended claim 8, it is submitted that claims 9-14 are not obvious in view of *Aggarwal* and *Drissi*.

It is further submitted that claim 15 is not obvious in view of *Aggarwal* and *Drissi* because claim 15 includes limitations similar to the limitations of amended claim 1 including removing from a set of auction data all but a highest bid from each unique bidder in the auction data and

correcting a bias in the auction data caused by a set of characteristics of an auction from which the auction data is obtained. Therefore, the remarks stated above with respect to amended claim 1 also apply to claim 15.

Given that claims 16-20 depend from claim 15, it is submitted that claims 16-20 are not obvious in view of *Aggarwal* and *Drissi*.

It is respectfully submitted that in view of the amendments and arguments set forth above, the applicable rejections have been overcome.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 08-2025 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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By: \_\_\_\_\_

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